

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,

Plaintiff,

v.

C.A. No. 04-1923 (DPW)

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW McCOLLUM,
CHRISTOPHER HUGHES and THE FACEBOOK,
INC.,

Defendants.

CERTIFIED
COPY

VOLUME 1

VIDEOTAPED DEPOSITION OF CONNECTU LLC

BY CAMERON H. WINKLEVOSS

Boston, Massachusetts

Tuesday, August 9, 2005

9:44 a.m. to 6:27 p.m.

Reported by:

Jessica L. Williamson, RMR, RPR, CRR
Notary Public, CSR No. 138795

JOB NO. 36599

www.sarnoffcourtreporters.com

46 Corporate Park, Suite 100
Irvine, CA 92606

445 South Figueroa St., Suite 2950
Los Angeles, CA 90071

phone 877.955.3855
fax 949.955.3854



SARNOFF
Court Reporters and
Legal Technologies

03:43:04 1 aspect and prior to the coding of the
03:43:09 2 website from a conceptual aspect or at least
03:43:14 3 prior to coding he was involved with the
03:43:15 4 development of the project, and I know
03:43:22 5 that -- I cannot say if he was involved with
03:43:24 6 the code. I don't think he is a programmer.
03:43:26 7 I can't say that he didn't see the code or
03:43:28 8 didn't see our ideas.

03:43:32 9 Q. Okay. So is it correct, sir, that you don't
03:43:34 10 know whether or not Mr. Saverin had any
03:43:36 11 involvement at all with the coding of
03:43:39 12 Thefacebook, correct?

03:43:40 13 MR. HORNICK: Objection,
03:43:40 14 mischaracterizes his testimony. You can
03:43:42 15 answer.

03:43:43 16 A. I do not know if he had any involvement with
03:43:45 17 the coding of Thefacebook.

03:43:46 18 Q. All right. And you say, though, that he was
03:43:48 19 involved in the business aspect of
03:43:50 20 Thefacebook; is that right?

03:43:51 21 A. (No verbal response.)

03:43:53 22 Q. Yes.

03:43:53 23 A. Yes.

03:43:54 24 Q. All right. What's your basis for that
03:43:55 25 statement?

03:50:14 1 Q. Did Mr. Zuckerberg in January of 2004 ever
03:50:17 2 discuss or ever communicate -- otherwise
03:50:19 3 communicate with Mr. Saverin about
03:50:22 4 HarvardConnection?
03:50:22 5 A. I don't know.
03:50:29 6 Q. Did Mr. Saverin write any code for
03:50:31 7 Thefacebook?
03:50:32 8 A. I can't answer that.
03:50:33 9 Q. You can't answer that because you don't
03:50:34 10 know?
03:50:34 11 A. Primarily, yeah, because I don't know, yes.
03:50:43 12 Q. Has Mr. Saverin ever seen any source code
03:50:46 13 for the TheFacebook?
03:50:47 14 MR. HORNICK: Objection. This
03:50:49 15 still isn't 30(b)(6) testimony.
03:50:50 16 A. Again, I don't know that.
03:50:59 17 Q. Was Mr. Saverin ever made aware of any of
03:51:01 18 the HarvardConnection trade secrets that you
03:51:03 19 contend Mr. Zuckerberg misappropriated?
03:51:05 20 MR. HORNICK: By whom?
03:51:08 21 MR. HAWK: By anybody.
03:51:09 22 MR. HORNICK: Well, by --
03:51:10 23 Q. Let me --
03:51:12 24 MR. HORNICK: By HarvardConnection
03:51:12 25 or by Mr. Zuckerberg or by somebody else?

04:59:39 1 Q. Okay. So you do believe Paragraph 21 is --

04:59:42 2 A. Yes.

04:59:42 3 Q. -- accurate? Okay. Fair enough.

04:59:45 4 Well, then let's talk about the

04:59:49 5 particulars of Paragraph 21. 21 says,

04:59:52 6 quote, "Defendant Zuckerberg shared

04:59:56 7 Plaintiff's confidential business

04:59:57 8 information and the HarvardConnection code

04:59:58 9 with Defendants Saverin" -- and let's just

05:00:01 10 stop with Mr. Saverin.

05:00:05 11 What specific information did Mr.

05:00:07 12 Zuckerberg share with Mr. Saverin?

05:00:08 13 A. I don't know specific information.

05:00:10 14 Q. And so you don't know when this supposed

05:00:16 15 sharing of confidential business information

05:00:19 16 or the HarvardConnection code with Defendant

05:00:22 17 Saverin occurred, correct?

05:00:23 18 A. I can give you a time frame.

05:00:25 19 Q. Okay. Well, give me a time frame.

05:00:26 20 A. I would say anywhere between November 2003

05:00:29 21 and February -- you know, February 4th when

05:00:33 22 Thefacebook launched, any time between that

05:00:36 23 point -- but, yeah, that's a time frame I

05:00:40 24 can give you.

05:00:40 25 Q. And what's your basis for saying that from

05:23:27 1 And as I said for the other defendants,
05:23:30 2 based on their involvement in the creation
05:23:31 3 and the fact that I believe that the
05:23:33 4 creation is derivative work, that I believe
05:23:39 5 he's used copyrighted code.

05:23:41 6 Q. I think I'll go with your counsel's
05:23:44 7 stipulation that you can't answer the
05:23:45 8 question so we'll move on.

05:23:47 9 MR. HORNICK: The witness gave you
05:23:48 10 the best answer to the best of his ability.

05:24:03 11 Q. Now, Mr. Saverin was never a partner of the
05:24:05 12 HarvardConnection, correct?

05:24:06 13 A. No, he would not have been involved. No.

05:24:10 14 Q. Right. And neither you nor anyone else at
05:24:14 15 HarvardConnection ever made the
05:24:16 16 HarvardConnection source code available to
05:24:17 17 Mr. Saverin, correct?

05:24:22 18 A. We directly did not make it available --

05:24:22 19 Q. Right.

05:24:26 20 A. -- to him, yeah.

05:24:26 21 Q. And no one, to your knowledge, at ConnectU
05:24:27 22 ever disclosed any HarvardConnection trade
05:24:29 23 secrets to Mr. Saverin, correct?

05:24:31 24 A. No, not directly to Mr. Saverin.

05:24:48 25 Q. All right. And just to clean up a few

1 In the United States District Court
2 For the District of Massachusetts

3 I, Jessica L. Williamson, Registered,
4 Merit Reporter, Certified Realtime Reporter
5 and Notary Public in and for the
6 Commonwealth of Massachusetts, do hereby
7 certify that CAMERON H. WINKLEVOSS, the
8 witness whose deposition is hereinbefore set
9 forth, was duly sworn by me and that such
10 deposition is a true record of the testimony
11 given by the witness.

12 I further certify that I am neither
13 related to or employed by any of the parties
14 in or counsel to this action, nor am I
15 financially interested in the outcome of
16 this action.

17 In witness whereof, I have hereunto set
18 my hand and seal this 11th day of August,
19 2005.

20
21 

22
23 _____
24 Jessica L. Williamson, RMR, RPR, CRR

25 Notary Public, CSR No. 138795

My commission expires: 12/18/2009